
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: P/KT-23/07

ATTY/TYPIST: XX:xxx

BRIEF DESCRIPTION:

1 AN ACT Relating to

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5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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7 **Sec. 1.** RCW 88.16.035 and 2005 c 26 s 1 are each amended to read
8 as follows:

9 (1) The board of pilotage commissioners shall:

10 ~~((1))~~ (a) Adopt rules, pursuant to chapter 34.05 RCW, necessary
11 for the enforcement and administration of this chapter;

12 ~~((2)(a))~~ (b)(i) Issue training licenses and pilot licenses to
13 pilot applicants meeting the qualifications provided for in RCW
14 88.16.090 and such additional qualifications as may be determined by
15 the board;

16 ~~((b))~~ (ii) Establish a comprehensive training program to assist

1 in the training and evaluation of pilot applicants before final
2 licensing; and

3 (~~((4))~~) (iii) Establish additional training requirements,
4 including a program of continuing education developed after
5 consultation with pilot organizations, including those located within
6 the state of Washington, as required to maintain a competent pilotage
7 service;

8 (~~((3))~~) (c) Maintain a register of pilots, records of pilot
9 accidents and other history pertinent to pilotage, along with a roster
10 of vessels, agents, owners, operators, and masters necessary for the
11 maintenance of a roster of persons interested in and concerned with
12 pilotage and maritime safety;

13 (~~((4))~~) (d) Determine from time to time the number of pilots
14 necessary to be licensed in each district of the state to optimize the
15 operation of a safe, fully regulated, efficient, and competent
16 pilotage service in each district;

17 (~~((5))~~) (e) Annually fix the pilotage tariffs for pilotage
18 services performed aboard vessels as required by this chapter:
19 PROVIDED, That the board may fix extra compensation for extra services
20 to vessels in distress, for awaiting vessels, or for being carried to
21 sea on vessels against the will of the pilot, and for such other
22 services as may be determined by the board;

23 (~~((6))~~) (f) File annually with the governor and the chairs of the
24 transportation committees of the senate and house of representatives a
25 report which includes, but is not limited to, the following: The
26 number, names, addresses, ages, pilot license number, training license
27 number, and years of service as a Washington licensed pilot of any
28 person licensed by the board as a Washington state pilot or trainee;
29 the names, employment, and other information of the members of the

1 board; the total number of pilotage assignments by pilotage district,
2 including information concerning the various types and sizes of
3 vessels and the total annual tonnage; the annual earnings or stipends
4 of individual pilots and trainees before and after deduction for
5 expenses of pilot organizations, including extra compensation as a
6 separate category; the annual expenses of private pilot associations,
7 including personnel employed and capital expenditures; the status of
8 pilotage tariffs, extra compensation, and travel; the retirement
9 contributions paid to pilots and the disposition thereof; the number
10 of groundings, mishaps, or other incidents which are reported to or
11 investigated by the board, and which are determined to be accidents,
12 as defined by the board, including the vessel name, location of
13 incident, pilot's or trainee's name, and disposition of the case
14 together with information received before the board acted from all
15 persons concerned, including the United States coast guard; the names,
16 qualifications, time scheduled for examinations, and the district of
17 persons desiring to apply for Washington state pilotage licenses;
18 summaries of dispatch records, quarterly reports from pilots, and the
19 bylaws and operating rules of pilotage organizations; the names, sizes
20 in deadweight tons, surcharges, if any, port of call, name of the
21 pilot or trainee, and names and horsepower of tug boats for any and
22 all oil tankers subject to the provisions of RCW 88.16.190 together
23 with the names of any and all vessels for which the United States
24 coast guard requires special handling pursuant to their authority
25 under the Ports and Waterways Safety Act of 1972; the expenses of the
26 board; and any and all other information which the board deems
27 appropriate to include;

28 ~~(((7))) (g) Publish a manual which includes the pilotage act and~~
29 ~~other statutes of Washington state and the federal government which~~

~~affect pilotage, including the rules of the board, together with such additional information as may be informative for pilots, agents, owners, operators, and masters. Such manual shall be distributed without cost to all pilots and governmental agencies upon request. All other copies shall be sold for a five dollar fee with proceeds to be credited to the pilotage account;~~

((+8)) (hg) Appoint advisory committees and employ marine experts as necessary to carry out its duties under this chapter;

((+9)) (ih) Provide for the maintenance of efficient and competent pilotage service on all waters covered by this chapter; and do such other things as are reasonable, necessary, and expedient to insure proper and safe pilotage upon the waters covered by this chapter and facilitate the efficient administration of this chapter.

(2) The board may pay stipends to pilot trainees under subsection (1)(b) of this section.

Sec. 2. RCW 88.16.090 and 2005 c 26 s 2 are each amended to read as follows:

RCW Caption: Pilots' licenses--Qualifications--Duration--Annual fee--Examinations and evaluations--Training program and license--Penalty--Reporting requirements.

(1) A person may pilot any vessel subject to this chapter on waters covered by this chapter only if licensed to pilot such vessels on such waters under this chapter.

(2)(a) A person is eligible to be licensed as a pilot if the person:

(i) Is a citizen of the United States;

(ii) Is over the age of twenty-five years and under the age of seventy years;

(iii) Is a resident of the state of Washington at the time of licensure as a pilot;

(iv)(A) Holds at the time of application, as a minimum, a United States government license as master of steam or motor vessels of not more than one thousand six hundred gross register tons (three thousand international tonnage convention tons) upon oceans, near coastal waters, or inland waters; or the then most equivalent federal license as determined by the board; any such license to have been held by the applicant for a period of at least two years before application;

(B) Holds at the time of licensure as a pilot, after successful completion of the board-required training program, a first class United States endorsement without restrictions on the United States government license for the pilotage district in which the pilot applicant desires to be licensed; ~~however, all applicants for a pilot examination scheduled to be given before July 1, 2008, must have the United States pilotage endorsement at the time of application;~~ and

(C) The board may establish such other federal license requirements for applicants and pilots as it deems appropriate; and

(v) Successfully completes a board-specified training program.

(b) In addition to the requirements of (a) of this subsection, a pilot applicant must meet such other qualifications as may be required by the board.

(c) A person applying for a license under this section shall not have been convicted of an offense involving drugs or the personal consumption of alcohol in the twelve months prior to the date of application. This restriction does not apply to license renewals under this section.

(3) The board may establish such other training license and pilot license requirements as it deems appropriate.

1 (4) Pilot applicants shall be evaluated and ranked in a manner
2 specified by the board based on their experience, other qualifications
3 as may be set by the board, performance on a written examination or
4 examinations established by the board, and performance in such other
5 evaluation exercises as may be required by the board, for entry into a
6 board-specified training program.

7 The board shall establish and set fees for any such examination
8 and evaluation exercises. All such fees shall be borne by the pilot
9 applicants. All such fees shall be fixed by rule adopted by the board
10 in accordance with the provisions of the Administrative Procedure Act,
11 chapter 34.05 RCW.

12 When the board determines that the demand for pilots requires
13 entry of an applicant into the training program it shall issue a
14 training license to that applicant, but under no circumstances may an
15 applicant be issued a training license more than four years after
16 taking the written entry examination except that applicants who
17 successfully passed an examination given in 2005 and meet the other
18 requirements set by the board, may be issued a training license
19 without regard to this four year limitation. The training license
20 authorizes the trainee to do such actions as are specified in the
21 training program.

22 After the completion of the training program the board shall
23 evaluate the trainee's performance and knowledge. The board, as it
24 deems appropriate, may then issue a pilot license, delay the issuance
25 of the pilot license, deny the issuance of the pilot license, or
26 require further training and evaluation.

27 (5) The board may appoint a special independent committee or may
28 contract with a firm knowledgeable and experienced in the development
29 of professional tests and evaluations for development and grading of

1 the examinations and other evaluation methods. Active licensed state
2 pilots may be consulted for the general development of any
3 examinations and evaluation exercises but shall have no knowledge of
4 the specific questions. The pilot members of the board may
5 participate in the grading of examinations. If the board does appoint
6 a special examination or evaluation development committee it is
7 authorized to pay the members of the committee the same compensation
8 and travel expenses as received by members of the board. Any person
9 who willfully gives advance knowledge of information contained on a
10 pilot examination or other evaluation exercise is guilty of a gross
11 misdemeanor.

12 (6) Pilots are licensed under this section for a term of five
13 years from and after the date of the issuance of their respective
14 state licenses. Licenses must thereafter be renewed as a matter of
15 course, unless the board withholds the license for good cause. Each
16 pilot and pilot trainee shall pay to the state treasurer an annual
17 license fee ~~of three thousand dollars~~ in an amount to be set by the
18 board pursuant to chapter 34.05 RCW. The fees must be deposited in
19 the state treasury to the credit of the pilotage account. The board
20 may assess partially active or inactive pilots a reduced fee.

21 (7) All pilots and ~~applicants~~ pilot trainees are subject to an
22 annual physical examination by a physician chosen by the board. The
23 physician shall examine the ~~applicant's~~ heart, blood pressure,
24 circulatory system, lungs and respiratory system, eyesight, hearing,
25 and such other items as may be prescribed by the board. After
26 consultation with a physician and the United States coast guard, the
27 board shall establish minimum health standards to ensure that pilots
28 licensed by the state are able to perform their duties. Within ninety
29 days of the date of each annual physical examination, and after review

1 of the physician's report, the board shall make a determination of
2 whether the pilot or ~~applicant~~pilot trainee is fully able to carry
3 out the duties of a pilot under this chapter. The board may in its
4 discretion check with the appropriate authority for any convictions of
5 offenses involving drugs or the personal consumption of alcohol in the
6 prior twelve months.

7 (8) The board may require vessel simulator training for a pilot
8 applicant and shall require vessel simulator training for a licensed
9 pilot subject to RCW 88.16.105. The board shall also require vessel
10 simulator training in the first year of active duty for a new pilot
11 and at least once every five years for all active pilots.

12 (9) The board shall prescribe, pursuant to chapter 34.05 RCW, such
13 reporting requirements and review procedures as may be necessary to
14 assure the accuracy and validity of license and service claims.
15 Willful misrepresentation of such required information by a pilot
16 applicant shall result in disqualification of the pilot applicant.

17 [2005 c 26 § 2; 1999 sp.s. c 1 § 607; 1995 c 175 § 1; 1991 c 200 §
18 1002. Prior: 1990 c 116 § 27; 1990 c 112 § 1; 1987 c 264 § 2; 1986 c
19 122 § 1; 1981 c 303 § 1; 1979 ex.s. c 207 § 3; 1977 ex.s. c 337 § 7;
20 1967 c 15 § 5; 1935 c 18 § 8; RRS § 9871-8; prior: 1907 c 147 § 1;
21 1888 p 176 § 8.]

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23 **NOTES:**

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25 **Effective date--2005 c 26:** See note following RCW 88.16.035.

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27 **Severability--Effective date--1999 sp.s. c 1:** See notes following
28 RCW 43.19.1906.

1 **Effective date--1995 c 175:** "This act is necessary for the
2 immediate preservation of the public peace, health, or safety, or
3 support of the state government and its existing public institutions,
4 and shall take effect July 1, 1995." [1995 c 175 § 2.]

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6 **Effective dates--Severability--1991 c 200:** See RCW 90.56.901 and
7 90.56.904.

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9 **Findings--Severability--1990 c 116:** See notes following RCW
10 90.56.210.

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12 **Severability--1977 ex.s. c 337:** See note following RCW 88.16.005.

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15 ~~**Sec. 3.** RCW 88.16.118 and 2005 c 26 s 3 are each amended to read~~
16 ~~as follows:~~

17 ~~**RCW Caption:** Limited liability of pilots and pilot trainees—Liability~~
18 ~~of vessel, owner, or operator not limited (as amended~~
19 ~~by 2005 c 26).~~

20 ~~—(1) A ship's pilot licensed to act as such by the state of~~
21 ~~Washington shall not be liable for damages in excess of the amount of~~
22 ~~five thousand dollars for damages or loss occasioned by the pilot's~~
23 ~~errors, omissions, fault, or neglect in the performance of pilotage or~~
24 ~~pilot training services, except as may arise by reason of the willful~~
25 ~~misconduct or gross negligence of ((the)) that pilot. A ship's pilot~~
26 ~~trainee licensed to act as such by the state of Washington is not~~
27 ~~liable for damages in excess of the amount of five thousand dollars~~
28 ~~for damages or loss occasioned by the pilot trainee's errors,~~
29 ~~omissions, fault, or neglect in the performance of pilotage or pilot~~

~~training services, except as may arise by reason of the willful misconduct or gross negligence of that pilot trainee.~~

~~(2) When a pilot or pilot trainee boards a vessel, that pilot or pilot trainee becomes a servant of the vessel and its owner and operator. Nothing in this section exempts the vessel, its owner or operator from liability for damage or loss occasioned by that ship to a person or property on the ground that ((1)) (a) the ship was piloted by a Washington state licensed pilot or pilot trainee, or ((2)) (b) the damage or loss was occasioned by the error, omission, fault, or neglect of a Washington state licensed pilot or pilot trainee.~~

~~[2005 c 26 § 3; 1984 c 69 § 1.]~~

NOTES:

~~Effective date--2005 c 26: See note following RCW 88.16.035.~~

Sec. 4.3. RCW 88.16.118 and 2005 c 123 s 2 are each amended to read as follows:

RCW Caption: Limited liability of pilots, pilot trainees, and any countywide port district in Grays Harbor pilotage district--Liability of vessel, owner, or operator not limited (as amended by 2005 c 123).

A ship's pilot licensed to act as such by the state of Washington, and any countywide port district located partly or entirely within the Grays Harbor pilotage district as defined by RCW 88.16.050(2) authorized to provide pilotage services and providing a pilot or pilot trainee, shall not be liable for damages in excess of the amount of

1 five thousand dollars for damages or loss occasioned by ~~((the))~~ a
2 pilot's errors, omissions, fault, or neglect in the performance of
3 pilotage or pilot training services, except as may arise by reason of
4 the willful misconduct or gross negligence of ~~((the))~~ a pilot or pilot
5 trainee. A ship's pilot trainee licensed to act as such by the state
6 of Washington is not liable for damages in excess of the amount of
7 five thousand dollars for damages or loss occasioned by the pilot
8 trainee's errors, omissions, fault, or neglect in the performance of
9 pilotage or pilot training services, except as may arise by reason of
10 the willful misconduct or gross negligence of that pilot trainee.

11 When a pilot or pilot trainee boards a vessel, that pilot or pilot
12 trainee becomes a servant of the vessel and its owner and operator.
13 Nothing in this section exempts the vessel, its owner or operator from
14 liability for damage or loss occasioned by that ship to a person or
15 property on the ground that ~~(1a)~~ the ship was piloted by a Washington
16 state licensed pilot or pilot trainee, or ~~(2b)~~ the damage or loss was
17 occasioned by the error, omission, fault, or neglect of a Washington
18 state licensed pilot or pilot trainee.

19 [2005 c 123 § 2; 1984 c 69 § 1.]

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21 **NOTES:**

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23 ~~Reviser's note: RCW 88.16.118 was amended twice during the 2005~~
24 ~~legislative session, each without reference to the other. For rule of~~
25 ~~construction concerning sections amended more than once during the~~
26 ~~same legislative session, see RCW 1.12.025.~~

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